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REMARKS

Claims 1, 2, 4-15, 17-25, and 41-48 are pending in this application. Claims 26-40 were previously canceled and claims 3 and 16 are canceled herein. Claims 1, 4, 8, 13, 14, 23, 24, and 43 have been amended herein. In view of these amendments and remarks, Applicant respectfully requests reconsideration of the claims.

Claims 1-3 were rejected under 35 U.S.C. 102(e) as being anticipated by Ng, *et al.* Claims 1 and 2 were further rejected under 35 U.S.C. 102(e) as being anticipated by Barth, *et al.* In addition, claims 4-15 and 41-48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ng, *et al.* or Barth, *et al.* in further view of Otsuki, *et al.*

However, each of the independent claims 1, 4, 8, 13, and 43 have been amended such that they now include limitations that clearly distinguish the claims from each of the references of record, whether considered singly or in combination.

Specifically, it is respectfully submitted that the claims presented by the September 26, 2005 amendment did define over the Ng, *et al.* and Barth, *et al.* reference as well as the Otsuki, *et al.* in that none of the references even disclose, much less teach, a first conductive layer, a thin conductive material and a second conductive layer that in combination comprised a MIM capacitor plate. For example, with respect to Ng, *et al.*, FIGs. 6 and 7, layers 24a and 26 may be aligned and considered a capacitor plate, but layer 38 is spaced away from layers 24a and 26 and joined by conductive plugs 32a and cannot be considered part of a capacitor plate. Further, it is also clear that the edges of layer 38 are not self-aligned with layers 24a and 26. Therefore, Ng, *et al.* does not teach a first conductive layer, a thin conductive

material layer and a second conductive layer that comprises a capacitor plate and are patterned to have outer edges that are aligned relative to each other.

With respect to Barth, *et al.*, it is clear that the seed layer 140, the lines 116, and the conductive layer 142 do not have outer edges that are aligned with each other. The copper conductive layer 142 is enclosed by the liner and the seed layer, and therefore, cannot line up. The liner and seed layers are thin and the edges may not be out of alignment by a great amount. But, they are not in alignment as required by the claims.

In any event and in addition to the preamble of the claims requiring the first conductive layer, the at least one thin conductive material layer and the at least one second conductive layer to comprise a MIMs capacitor plate, this requirement has now been positively recited in the body of the claims. In addition, the claims now require that the top and bottom surfaces of the at least one thin conductive material layer be in direct contact with a surface of the first and second conductive layers. This is clearly different than Ng, *et al.* The claims also now include ranges of thicknesses for the first and second conductive layers and the thin conductive material layers, which clearly precludes the seed or liner layers of Barth, *et al.* from being equated to a "second" conductive layer as required by the claims.

Therefore, it is submitted that these added limitations, plus the fact that more of the references teach a first and second conductive layer and a thin conductive material layer that have their outer edges aligned and that comprises a MIMs capacitor plate, clearly define the claims over all of the references of record, whether considered singly or in combination.

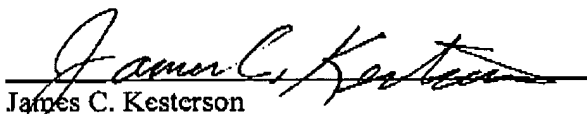
In view of the above, Applicants respectfully submit that the application is in condition for allowance and request that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicants request that the Examiner please contact Applicants' attorney at the address below. In the event that the enclosed fees are insufficient, please charge any additional fees required to keep this application pending, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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